

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Felipe De Jesus POW Jr.

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 10, 2021 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 8 United States Code, Section
 1324(a)(1)(A)(ii) and (v)(I)

Offense Description

Did knowingly transport and move, attempt to transport and move, and
 conspired to transport and move within the United States by means of
 transportation and otherwise, an alien who had come to, entered, remained in
 the United States in violation of law in furtherance of such violation, for the
 purpose of commercial advantage and private financial gain.

This criminal complaint is based on these facts:

See attachment "A".

☒ Continued on the attached sheet./S/ Jacob Nissen*Complainant's signature*Jacob Nissen, HSI Special Agent*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/12/2021*Judge's signature*City and state: Laredo, TexasChristopher Dos Santos, U.S. Magistrate Judge*Printed name and title*

ATTACHMENT A

1. On October 10, 2021, at approximately 2:20 a.m., Homeland Security Investigations (HSI) Special Agents (SAs) received a request for investigative assistance from United States Border Patrol (USBP) Agents (BPAs) at the Immigration Checkpoint (C29) located on Interstate Highway 35 (IH-35) mile marker 29 north of Laredo, Texas in Webb County and the Southern District of Texas in reference to a human smuggling event. HSI SAs responded to C29 and conducted post arrest interviews and subsequently arrested Felipe De Jesus POW Jr.
2. HSI SAs responded to C29 and interviewed BPAs. BPAs stated at approximately 1:50 a.m., they were conducting primary inspection duties at the checkpoint when a red tractor bearing Texas paper plates hauling a white box trailer bearing Maine license plates attempted to utilize an unmanned lane bypassing the open inspection lane. BPAs signaled for the tractor to stop and approached the tractor on foot. BPAs conducted an immigration inspection of the driver of the tractor, later identified as Felipe De Jesus POW Jr., who stated he thought the lane was open. BPAs asked where POW was travelling and what type of cargo was in the trailer. POW responded he was travelling to Dallas, Texas with a load of televisions. BPAs asked for documentation for the cargo, and POW stated he had left the paperwork in Laredo. During the inspection, BPAs observed POW was avoiding eye contact with BPAs and appeared confused by the common questions regarding the required paperwork. A BPA Canine Handler conducted a free air sniff of the tractor and trailer utilizing his service canine and received a positive alert to the presence of concealed narcotics or persons. BPAs referred POW and the tractor trailer to secondary area for further inspection.
3. While in the secondary inspection area, BPAs removed POW from the cab. Once POW was removed, BPAs opened removed a bolt type seal from the rear door of the trailer and opened the trailer doors. BPAs then observed several persons concealed inside the trailer and nineteen (19) subjects were subsequently removed. An immigration inspection was conducted on the found subjects, which revealed all were undocumented noncitizens (UDNCs) without authorization to be in or stay in the United States. POW and the removed subjects were subsequently escorted inside the checkpoint for processing. BPAs observed a cellular telephone in a cup holder in the center console of the tractor cab which was secured.
4. Under *Miranda* rights advisement and waiver thereof, POW declined to provide a statement.
5. Mauricio HERNANDEZ Angel and Luis Fernando MERINO Cristobal are both Mexican nationals that admitted to illegally entering the United States by crossing the Rio Grande River, at various times, to be smuggled to various cities within the United States for various amounts of money and will be held as material witnesses in this case. HERNANDEZ stated a male subject asked to borrow his cellular telephone and

HERNANDEZ did not have the telephone in his possession since he was loaded into the trailer. HERNANDEZ confirmed the cellular telephone found in the tractor cab was his cellular telephone.